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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KENNETH WHITE,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.

No. 2:22-CV-1953-DMC

ORDER

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18 Plaintiff brings this action for judicial review of a final decision of the
19 Commissioner of Social Security under 42 U.S.C. § 405(g). Pending before the Court is
20 Plaintiff's motion, ECF No. 10, for the appointment of counsel.

21 The United States Supreme Court has ruled that district courts lack authority to
22 require counsel to represent indigent plaintiffs in civil actions. See e.g. Mallard v. United States
23 Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may
24 request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v.
25 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36
26 (9th Cir. 1990). Plaintiff states that he is indigent and cannot afford counsel. In the present case,
27 the Court does not at this time find Plaintiff has established the required exceptional
28 circumstances.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for the appointment of counsel, ECF No. 10, is denied.
2. The Court sua sponte extends the deadline for Plaintiff to file his dispositive motion to 60 days from the date of this order.
3. The remainder of the Court's initial scheduling order is modified consistent with this new deadline.

Dated: April 25, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE